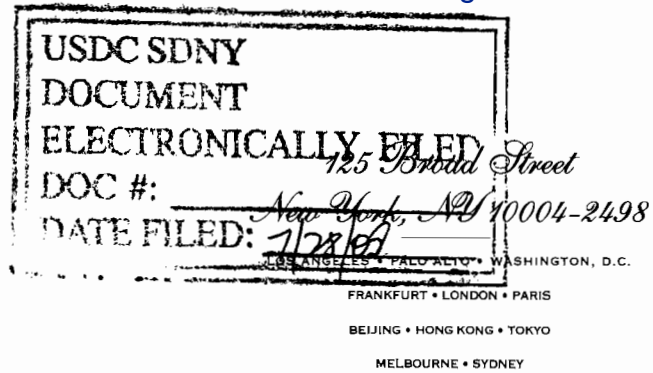
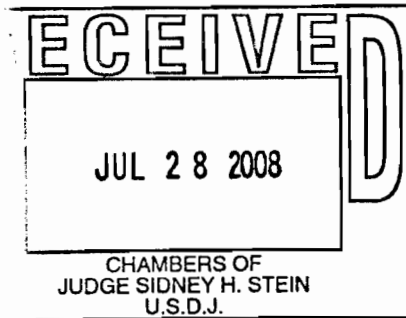


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July 25, 2008

By Hand

Honorable Sidney H. Stein, U.S.D.J.,
United States District Court,
Southern District of New York,
United States Courthouse,
500 Pearl Street,
New York, NY 10007-1312.

MEMO ENCLOSED

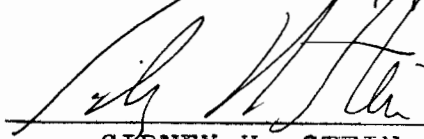
Re: Luminent Mortgage Capital, Inc. et al. v. Barclays Capital, Inc.
07 Civ. 10275 (SHS)

Your Honor:

I represent defendant Barclays Capital Inc. in the above-referenced matter, and write on behalf of the parties regarding the mediation that was proposed by the Court during the pretrial conference on July 11, 2008. During the pretrial conference, the Court requested the parties to attempt to resolve this matter through mediation, and asked the parties to submit to the Court by Friday, July 25, the name of an agreed-upon mediator, assuming, of course, the parties agreed to mediation.

We are pleased to inform the Court that the parties have agreed to participate in mediation. However, the parties have not yet been able to agree upon a mediator. (The parties have agreed to use one mediator, and are currently considering four potential candidates.) Accordingly, the parties propose that the Court give the parties one additional week to submit the name of an agreed-upon mediator to the Court (i.e., by August 1, 2008). If the parties cannot agree upon the mediator, we request that the parties be allowed to submit the names of the potential mediators (and their *curricula vitae*) to the Court, so that the Court can select the mediator to be used by the parties. (Of course, after the parties select a mediator (or one is chosen by the Court), the parties will need to confirm the availability of the mediator.)

SO ORDERED 7/28/08


SIDNEY H. STEIN
U.S.D.J.

Honorable Sidney H. Stein, U.S.D.J.

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Please let us know if the Court objects to this approach or has any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey T. Scott", written in a cursive style.

Jeffrey T. Scott

cc: Michael Petrella, Esq.